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10 *Attorneys for Plaintiff*

11 Locata LBS LLC

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION
15

16 LOCATA LBS LLC, a California limited
17 liability company,

18 Plaintiff,

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20 v.

21 FACTUAL INC., a Delaware corporation,

22 Defendant.
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CASE NO.: 2:13-cv-07743

**COMPLAINT FOR PATENT
INFRINGEMENT**

1 Plaintiff Locata LBS LLC (“Locata LBS”) hereby alleges patent infringement
2 against Defendant Factual Inc. (“Defendant” or “Factual”) on personal knowledge
3 and information and belief, as follows:

4 **THE PARTIES**

5 1. Locata LBS is a California limited liability company with a principal
6 location at 5716 Corsa Avenue, Suite 110, Westlake Village, CA 91362.

7 2. On information and belief, Defendant Factual is a Delaware corporation
8 with a principal place of business at 1801 Avenue of the Stars, Suite 1450, Los
9 Angeles, CA 90067.

10 **JURISDICTION AND VENUE**

11 3. This action arises under the patent laws of the United States, Title 35 of
12 the United States Code. This Court has subject matter jurisdiction pursuant to 28
13 U.S.C. §§ 1331 and 1338(a).

14 4. Personal jurisdiction and venue are proper in this district under 28 U.S.C.
15 §§ 1391 and 1400(b). On information and belief, Defendant has a regular and
16 established place of business in this district, has transacted business in this district,
17 and/or has committed, contributed to, and/or induced acts of patent infringement in
18 this district.

19 5. On information and belief, Defendant is subject to this Court’s specific
20 and general personal jurisdiction consistent with the principles of due process and/or
21 the California Long Arm Statute, due at least to its substantial business in this forum
22 directly related to the allegations set forth herein, including: (i) a portion of the
23 infringement alleged herein, including making, using, selling, offering to sell, and/or
24 importing products, methods and/or systems that infringe the patent-in-suit; (ii) the
25 presence of established distribution and/or marketing channels; and (iii) regularly
26 doing or soliciting business, engaging in other persistent courses of conduct, and/or
27 deriving substantial revenue from goods and services provided to individuals and
28 entities in California and this judicial district.

COUNT I**INFRINGEMENT OF UNITED STATES PATENT NO. 6,259,381**

6. United States Patent No. 6,259,381, entitled “Method of Triggering An Event” (“‘381 Patent”), was duly issued by the United States Patent and Trademark Office on July 10, 2001 to Locata Corporation Pty. Ltd. (“Locata PTY”), an Australian company specializing in location based technologies since 1997. Locata LBS is the exclusive owner by assignment of all rights in and to the ‘381 Patent, including but not limited to the right to sue for past and present damages. A true and correct copy of the ‘381 Patent is attached to this Complaint as Exhibit A.

7. On information and belief, Defendant Factual has been and is directly infringing, inducing others to infringe, and/or contributorily infringing, literally, under the doctrine of equivalents, and/or jointly, one or more claims of the ‘381 Patent in the State of California, in this judicial district, and elsewhere in the United States by, among other things, making, using, selling, offering to sell, and/or importing systems and methods that implement, utilize or otherwise embody the patented invention, including by way of example location-based services, such as GeoPulse Audience, GeoPulse Proximity, and GeoPulse Context, which are described or have been described at least in part online at <http://www.factual.com/products>. Therefore, Defendant Factual is liable for infringement of the ‘381 Patent.

8. Defendant Factual has been and is inducing and/or contributing to the direct infringement of the ‘381 Patent by at least, but not limited to, customers and end-users of its products, including but not limited GeoPulse Audience, GeoPulse Proximity, and GeoPulse Context, who directly implement or use the accused systems, products and services, which have no substantial non-infringing uses, by at least the following affirmative acts: (1) advertising in public and marketing the features, benefits and availability of the accused systems, products, and services; (2) promoting the adoption and installation of the accused systems, products and services; and (3) providing instructions on how to use the accused systems, products and services.

9. Defendant Factual has knowledge of the '381 Patent and has had the specific knowledge that its location-based services described above infringe the '381 Patent, since at least the filing of this complaint.

10. Locata LBS has been and is irreparably harmed by Defendant Factual's infringement of the '381 Patent. Locata LBS has incurred and will continue to incur substantial damages, including monetary damages, unless Defendant is enjoined from further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Locata LBS respectfully requests that this Court:

(a) enter judgment in favor of Locata LBS that Defendant has infringed, and continues to infringe, a valid and enforceable '381 Patent;

(b) enjoin Defendant, its officers, subsidiaries, agents, servants, employees, and all persons in active concert with any of them, from any further infringement of the '381 Patent;

(c) award Locata LBS all monetary relief available under the patent laws of the United States, including but not limited to actual damages, pre- and post-judgment interest, enhanced damages, and costs pursuant to 35 U.S.C. § 284;

(d) declare this case exceptional and award Locata LBS its reasonable attorneys' fees pursuant to 35 U.S.C. § 285; and

(e) grant Locata LBS such other relief as the Court deems just and equitable.

DEMAND FOR JURY TRIAL

Locata LBS demands a trial by jury on all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure.

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1 Date: October 18, 2013

Respectfully submitted,

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3 /s/ Adrian M. Pruetz

4 Adrian M. Pruetz

5 Andrew Y. Choung

6 Erica Van Loon

7 Charles C. Koole

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